

**Notice of Allowability**

Application No.

10/014,951

Applicant(s)

SPINAR ET AL.

Examiner

Art Unit

Robert W. Wilson

2661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/24/05.
2. ☒ The allowed claim(s) is/are 1-5, 10-63, 65-68, & 70-74 (Re# 1-68).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**BOB PHUNKULH**  
**PRIMARY EXAMINER**

*Allowable Subject Matter*

1. The present invention is directed to a method of obtaining bandwidth requests from a plurality of users where individual connections are provided via CPE which is connected to a base station. A selected communication parameter which varies with time is stored. A polling rate is selected based upon this parameter. Periodically the user is polled for bandwidth requests and un-requested bandwidth is granted to a particular user connection. The parameter is updated and stored based upon changes and the polling rate is changed based upon the changed parameter.

The closest prior art is Tobita (U.S. Patent No.: 6,914,890). Tobita teaches: method of obtaining bandwidth requests from a plurality of users where individual connections are provided via a Central Control Unit or CPE which is connected to a Central Control Unit or base station. A mobile terminal transmission rate or parameter is stored but this value does not vary with time. A polling rate is selected based upon this parameter and the channel condition. Periodically the user is polled for bandwidth requests and un-requested bandwidth is granted to a particular user connection.

The closest prior art Tobita (U.S. Patent No.: 6,914,890) does not anticipate or render obvious the following claim limitation: "selecting a communication parameter which varies with time" as claimed in claim 1. Additionally claims 2-5 & 10-30 are allowed because they depend upon claim 1.

The present invention is directed to a method or system in which a first user is assigned to a first category and a second user is assigned to a second category. A polling rate is assigned to a first category and a second polling rate is assigned to a second category.

The closest prior art is Tobita (U.S. Patent No.: 6,914,890). Tobita teaches assigning a first user to a first rate and a second user to a second rate based upon the maximum rate and channel conditions. Tobita does not teach assigning different polling categories.

The closest prior art Tobita (U.S. Patent No.: 6,914,890) does not anticipate or render obvious the following claim limitation:

"assigning a second user to a second one of the plurality of polling categories" as claimed in claims 31, 48, & 68 respectively.

Additionally claims 32-42 are allowed because they depend upon claim 31. Claims 49-67 are allowed because they depend upon claim 48. Finally, claims 70-74 are allowed because they depend upon claim 68.

The closest prior art is Tobita (U.S. Patent No.: 6,914,890). Tobita teaches assigning a first user to a first rate and a second user to a second rate based upon the maximum rate and channel conditions. Tobita does not teach assigning different polling groups.

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The closest prior art Tobita (U.S. Patent No.: 6,914,890) does not anticipate or render obvious the following claim limitation:


“assigning a second user to a second one of the plurality of polling groups” as claimed in claims 43. Additionally claims 44-47 are allowed because they depend upon claim 43.

***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571/272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert W Wilson  
Examiner  
Art Unit 2661

RWW  
9/15/05

  
**BOB PHUNKULH**  
**PRIMARY EXAMINER**